



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Surolia, N.

Examiner: Weddington, K.

Serial Number: 09/763,499

Art Unit: 1614

Filing Date: February 23, 2001

Attorney Docket: 2003710-0001
(IN99/00026)

Title: USE OF HYDROXYDIPHENYL ETHER CLASS OF CHEMICALS,
AS EXEMPLIFIED BY TRICLOSAN, AS AN ANTIMALARIAL
AND IDENTIFICATION OF FATTY ACID SYNTHESIS AS ITS
TARGET

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

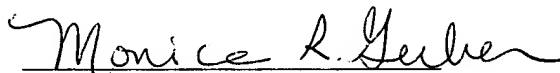
TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Response to Notice of Non-Compliant Amendment (11 pages); and
- 2) Postcard.

Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,


Monica R. Gerber
Reg. No.:46,724

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(617) 248-5000

Dated: April 5, 2004
3676786_1.DOC

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<u>Sandra Saccoccia</u>	
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on 4-5-04
Sandra Saccoccia

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

UNDER 37 C.F.R. § 1.121

In response to the Notice of Non-Compliant Amendment mailed March 10, 2004, asserting that the claims of the Amendment were not presented in ascending numerical order, Applicant herewith submits a revised **Amendment to the Claims** section.

Applicant notes that a Preliminary Amendment was filed on May 22, 2003, together with the Response to Restriction Requirement filed on the same date. However, it appears that the Preliminary Amendment was not entered, since the rejections in the Office Action mailed August 22, 2003, referred to the claims as they appeared prior to the Preliminary Amendment. In the Response to Office Action filed Feb. 25, 2004, Applicant requested entry of the Preliminary Amendment dated May 22, 2003, and enclosed a copy of the Preliminary Amendment and a copy of the Transmittal Letter that had accompanied the Preliminary Amendment. Applicant noted that the Preliminary Amendment was submitted prior to the date when compliance with 37 C.F.R. § 1.121 became mandatory (i.e., July 30, 2003) and submitted that the Amendment was fully compliant with the requirements at the time it was filed. Applicant again respectfully requests entry of the Preliminary Amendment.

The present Amendment to the Claims is directed to the claims as they will appear after entry of the Preliminary Amendment. This listing is identical to that submitted in the Response to Office Action filed Feb. 25, 2004, except that Applicant has changed the number "11" in new claim 38 to "15" to encompass the structural formulas listed in the claim. Applicant has also indicated that claims 1-6, 17-18, and 21-35 have been cancelled, thus providing a complete listing of all of the claims and bringing the Amendment into compliance with 37 C.F.R. § 1.121.